

# memorandum

**DATE:** July 7, 2016

**TO:** City Planning Board

**FROM:** Carol D. Barrett, Assistant Community Development Director  
By: Brian Foote, Senior Planner

**SUBJECT:** Planning Board Recommendation to Council on a Development Agreement and Planned Development Zoning amendments (Nos. 2004-169 & 2004-170), and the public release of the Preliminary Analysis required for Council consideration of Public Utility Code Section 21661.1(e) approvals.

**Address:** 2555, 2627, and 2801 North Hollywood Way  
**Applications:** Development Agreement, and amendments to  
Planned Development Nos. 2004-169 & 2004-170  
**Project Nos.:** 16-0002071 & 16-0003987  
**Applicant:** Burbank-Glendale-Pasadena Airport Authority

## **RECOMENDATION**

Motion recommending that City Council take the following actions:

- A) That Council consider as a Responsible Agency under the California Environmental Quality Act (CEQA) the environmental effects of the project as described in the Final Environmental Impact Report (FEIR); that Council makes the findings required by CEQA; and that Council approves the Mitigation Monitoring & Reporting Program (MMRP);
- B) Approval of a Development Agreement for the Airport Replacement Terminal Project;
- C) Approval of an Amendment to Planned Development (PD) No. 2004-169;
- D) Approval of an Amendment to Planned Development (PD) No. 2004-170.

## **BRIEF SUMMARY OF THE REPLACEMENT TERMINAL PROJECT**

The Burbank-Glendale-Pasadena Airport Authority ("Authority") desires to replace the existing 14 gate 232,000 square foot passenger terminal with a new 14 gate passenger terminal that meets current California seismic design and Federal Aviation Authority (FAA) airport design standards. The Authority's preferred option is a "full-size" 14-gate replacement terminal up to 355,000 square-feet; replacement passenger and employee parking structures; airport-related service buildings; aircraft rescue and firefighting station; terminal access road; extensions of taxiways and internal roads; demolition of existing terminal and the adjacent parking structure; and relocating general aviation, located on the Bob Hope Airport (Exhibits A, B, C).

The applications seek approval of a replacement terminal project at two different locations; however, the Authority is required to choose one location. The two possible locations for the replacement terminal are the “Adjacent Property Option” and the “Southwest Quadrant Option” (see Exhibit C). The preferred option location - called the Adjacent Property Option - is located on Airport property referred to as the “Adjacent Property” which is 49.2 acres; the western half of the property acquired by the Authority from Lockheed in 1999 immediately adjacent to the airfield, and on the west side of Hollywood Way north of Winona Avenue. The area is presently vacant, and is identified on the map attached to the Development Agreement as Exhibit A. The second option is located on the Southwest Quadrant/Property portion of the Airport, which is located south of the east-west runway, and west of the north-south runway along Empire Avenue. The area presently contains general aviation facilities, air cargo facilities, rental car storage and maintenance facilities, and other miscellaneous airport related uses. This area is also designated on the map attached to the Development Agreement as Exhibit A (see Exhibit G – Development Agreement and its Exhibits).

A more specific summary of the replacement terminal project is set forth as Exhibit C to the Development Agreement (attached as Exhibit G).

### **BRIEF SUMMARY OF THE NEEDED APPROVALS**

The Planning Board’s role is a core piece of the entire replacement terminal project approvals. The Planning Board is required by the Burbank Municipal Code (Sections 10-1-19109 and 10-1-19127) to recommend to Council approval, denial or modification of the Development Agreement and the Planned Development zoning amendments (Exhibits D & E). Additionally, the Planning Board is asked to recommend that Council take certain California Environmental Quality Act (CEQA) actions.

The Authority is scheduled to certify the Environmental Impact Report and consider all of the legal documents at its meeting on Monday, July 11, 2016.

Once Planning Board acts, the Los Angeles County Airport Land Use Commission (ALUC) will consider the development and zoning amendments, as well as the Planning Board’s action, to determine whether those matters are consistent with their *Airport Land Use Plan*. A noticed public hearing is scheduled for July 13, 2016, before the Regional Planning Commission acting as the ALUC.

Council will consider the Planning Board recommendations as to the Development Agreement and the two Planned Development Amendments, as well as several other approvals outside the jurisdiction of the Planning Board, all of which are mentioned in the Development Agreement. Those actions are:

- 1) Modification to Amended and Restated Grant of Easements, Declaration of Use Restrictions and Agreement for Adjacent Property (see recital J(2) of the Development Agreement);
- 2) Public Utilities Code Section 21661.6e) Land Use Plan Amendments (Adjacent Property and A-1-North (see recital J(3) of the Development Agreement);
- 3) Joint Powers Authority governance changes (a summary is set forth in the Development Agreement - Exhibit L).

Although not within the Planning Board's jurisdiction, this staff report provides the public with the early analysis required by City processing rules for Public Utilities Code (PUC) Section 21661.6(e) applications. The release of a Preliminary Analysis of the PUC items is attached as Exhibit F. *No action is required by the Planning Board.* The analysis is also on file at the Community Development Department/Planning Division.

The requested City approvals are only the beginning of the process towards a relocated terminal project. Once Planning Board and Council take action, a vote under Measure B (codified in Burbank Municipal Code Section 2-3-112) is required. Measure B states:

No approval by the City of Burbank of any agreement between the City and the Burbank-Glendale-Pasadena Airport Authority for a relocated or expanded airport terminal project, or any other discretionary act by the City relating to the approval of a relocated or expanded airport terminal project shall be valid and effective unless previously approved by the voters voting at a City election. [Also cited as footnote 1 in the Development Agreement.]

Upon a successful Measure B vote, the Authority will work with the Federal Aviation Administration (FAA) for final approval, as well as conduct further environmental review under the National Environmental Policy Act (the federal equivalent of CEQA). Before construction begins, the Authority would need to engage the public in a design process for the terminal (in accordance with Section 4.7 and Exhibit J of the Development Agreement) and formally designate one of the options as the replacement terminal site (in accordance with Section 5.5 of the Development Agreement).

## **DEVELOPMENT AGREEMENT AND ZONING APPLICATIONS IN MORE DETAIL**

**Airport Zoning and brief land use history:** The Development Agreement involves the entire Airport property, which includes Airport Zoned property, M-2 General Industrial zoned property (Lots B and C east of Hollywood Way) as well as two Planned Development Zones (PD Nos. 2004-169 and 170). A property site map is attached to the Development Agreement as Exhibit A, and depicts this property. In 2005, the Planned Development Zones were established, as well as the 2005 Development Agreement between the Authority and the City (which expired in March 2015). That agreement required, among other things, an airport land use working group, made up the Authority's Executive Director and the City Manager, and staff, who cooperatively discussed options for a new terminal at the expiration of that agreement, March 15, 2015. Although the 2005 Development Agreement is expired, the cooperative joint planning effort continued and as a result, the Authority has made an application for a new Development Agreement that allows a replacement passenger terminal.

**Conceptual Term Sheet:** On November 9, 2015, the Authority endorsed the Bob Hope Airport Replacement Terminal Conceptual Term Sheet, and on November 16<sup>th</sup> the City Council considered and likewise endorsed the Conceptual Term Sheet. The Conceptual Term Sheet is a simpler, general overview of elements that serve as the cornerstone of the proposed Development Agreement.

## **ANALYSIS**

**Report Organization:** This staff report is divided into several sections covering the proposed Development Agreement and the minor Planned Development Amendments. To assist with the Board's consideration of these items, each section of the report is formatted as a separate section including a detailed description and staff analysis (for I, II, and III described below). The final section of the report includes discussion on issues applicable to all of the proposed actions, including environmental review, conclusions, and recommendations.

- I. Development Agreement (Exhibit G).
- II. Amendment to Planned Development (PD) No. 2004-169 (Exhibit H) on the A-1 North Property; only needed for the Southwest Quadrant Full Size Terminal Option.
- III. Amendment to Planned Development (PD) No. 2004-170 (Exhibit I) on Parking Lot A; needed for both the Adjacent Property and Southwest Quadrant Options.

### **I. DEVELOPMENT AGREEMENT**

**a) Property Location:** The proposed Agreement would apply to all land currently owned by the Authority within the City of Burbank including the surface parking lots and vacant properties located east of Hollywood Way (i.e., long-term Parking Lots B and C and properties in the runway safety zones acquired by the Authority for safety purposes).

**b) Zoning:** All property currently owned by the Authority on the west side of Hollywood Way is zoned "Airport " or PD. Parking Lot C east of Hollywood Way and north of Thornton Avenue is zoned M-2 (Exhibit A).

**c) General Plan Designation:** Those areas listed above within the "Airport " zone are designated Airport by the General Plan Land Use Element. Those areas listed with M-2 zoning are designated Golden State Commercial/Industrial. The zoning and General Plan land use boundaries are identical. The zoning is consistent with these land use designations.

**d) Property Area:** Approximately 455 acres of land would be covered by the Agreement (and additional 100 acres lie outside of the City's boundary and would not be subject to the Agreement). The majority of this land is located north of Empire Avenue and west of Hollywood Way in the northwest corner of the City. A few parcels (e.g., long-term Parking Lot C and runway protection zone properties) are located east of Hollywood Way.

**e) Current Development of the Site:** The land area that would be subject to the Agreement is developed almost entirely with airport-related land uses, including the air passenger terminal, parking facilities, general aviation (aircraft) hangars and storage areas, and cargo handling facilities. The A-1 North property would remain with the RITC. The runway protection zone properties east of Hollywood Way are landscaped and are required to remain vacant pursuant to the PUC §21661.6 approval for the Authority's purchase of the properties.

**f) Detailed Description, Project Phasing, and Staff Analysis:**

<b>Physical and Operational Aspects of the Project</b>	
<b>Adjacent Property Full-Size Terminal Option</b>	<ol style="list-style-type: none"> <li>1. 14 Gate Passenger Terminal - 355,000 square feet – two floors with basement, which includes: <ul style="list-style-type: none"> <li>• Tenant Space</li> <li>• Tenant Common Areas</li> <li>• Concessions</li> <li>• TSA/Security</li> <li>• Public Space</li> <li>• Authority Offices</li> <li>• Indoor Luggage Return</li> <li>• Mechanical/Utility Plant</li> </ul> </li> <li>2. New Air Cargo Building – 8,000 square feet</li> <li>3. New Maintenance Building – 10,000 square feet</li> <li>4. Parking: <ul style="list-style-type: none"> <li>• New Structure – 3,180 passenger vehicle spaces with Valet Center</li> <li>• New Employee Structure 600 spaces</li> <li>• Close Lot A (when replacement parking is constructed and opened)</li> <li>• Close Lots B &amp; E (when replacement parking is constructed and opened)</li> <li>• Retain Lots C, D &amp; G</li> <li>• Retain and reconfigure valet parking structure and surface lot on Southeast Quadrant</li> <li>• Total Public spaces 6637 and Employee spaces 600</li> </ul> </li> <li>5. Realignment and extensions of taxiways</li> <li>6. Replacement Aircraft Rescue and Fire Fighting (ARFF)/Police/EOC Building – 25,000 square feet</li> <li>7. Construction of new loop road on Adjacent Property and reconfiguration of existing loop road on Southeast Quadrant</li> <li>8. Demolition of Existing Terminal and Parking Structure Demolition of Existing Air Cargo Building</li> </ol>
<b>Southwest Quadrant Full-Size Terminal Option</b>	<ol style="list-style-type: none"> <li>1. Realignment and extensions of taxiways</li> <li>2. Replacement Aircraft Rescue and Fire Fighting (ARFF)/Police/EOC Building – 25,000 square feet on Adjacent Property</li> <li>3. Demolition of Existing Terminal and Parking Structure</li> <li>4. Demolition of Existing Air Cargo Building</li> <li>5. New controlled signal at Empire/SW Terminal</li> <li>6. Reconfiguration of existing loop road on Southeast Quadrant</li> <li>7. 14 Gate Passenger Terminal – 355,000 square feet – two floors with basement, which includes:</li> </ol>

	<ul style="list-style-type: none"> <li>• Tenant Space</li> <li>• Tenant Common Areas</li> <li>• Concessions</li> <li>• TSA/Security</li> <li>• Public Space</li> <li>• Authority Offices</li> <li>• Indoor Luggage Return</li> <li>• Mechanical/Utility Plant</li> </ul> <p>8. New Air Cargo Building – 8,000 square feet</p> <p>9. New Maintenance Building – 10,000 square feet</p> <p>10. Parking</p> <ul style="list-style-type: none"> <li>• New Structure – 3180 passenger spaces with Valet Center</li> <li>• New Employee Structure 600 spaces</li> <li>• Close Lots A, B &amp; E (when replacement parking is constructed and opened) and reuse Lot E for Ground Access vehicle Staging</li> <li>• Retain Lots C, D &amp; G</li> <li>• Retain and reconfigure valet parking structure and surface lot on Southeast Quadrant</li> <li>• Total Public spaces 6637 and Employee spaces 600</li> </ul> <p><b>Relocated from Southwest to Northwest –APN 2466-19-904 (C-1 Site) and APN 2466-11-904 (portion of Northwest Quadrant near T-Hangars)</b></p> <p>11. Air freighter (UPS &amp; FedEx) Hanger/Office and Public Access – 126, 351 sq. ft. (as depicted in site map attached as F-1)</p> <p><b>Relocated from Southwest to Adjacent Property</b></p> <p>12. Shared Ramp/Taxi lane</p> <p>13. Public Access Road</p> <p>14. General Aviation Hangars/Offices – not to exceed 215,771 sq. ft. (The amount of square footage to be relocated to Adjacent Property may not exceed the amount of square footage demolished on the Southwest Quadrant.)</p> <p>15. Rental Car Storage no more than 4.5 acres</p>
<b>Site Access</b>	<ul style="list-style-type: none"> <li>• Main access for the Adjacent Property Option (the Airport Authority's preferred option) provided from Hollywood Way via an extension of Winona Avenue</li> <li>• Main access for both Southwest Quadrant Options provided off of Empire Avenue with a new signalized intersection at the terminal entrance road</li> <li>• Other existing secondary points of access around the airport (e.g., at Fixed Base Operators and cargo carriers) will remain in place and functional</li> </ul>

<b>CONSTRUCTION SCHEDULE / PHASING FOR THE ADJACENT PROPERTY 5 YEAR PROJECT</b>		
<b>DESCRIPTION</b>	<b>ANTICIPATED CONSTRUCTION DATE</b>	<b>PHASING YEAR(S)</b>
Close Parking Lot A	2020-2023	Year 0-3
Construct Replacement Terminal and Parking Structures	2020-2023	Years 0-3
Construct Aircraft Rescue and Fire Fighting Station (ARFF)	2023-2025	Years 3-5
Construct Ground Service Equipment Maintenance Building and Air Cargo Building	2023-2025	Years 3-5
Demolish Existing Terminal and Parking Structure	2023-2024	Years 3-4
Demolish Air Cargo Building	2023-2024	Years 3-4
Close Parking Lots B and E	2023	Year 3
Relocate Perimeter Service Road and Security Fence	2023	Year 3
Extend Taxiways A and C	2024-2025	Years 4-5

<b>CONSTRUCTION SCHEDULE / PHASING FOR THE SOUTHWEST PROPERTY 7 YEAR PROJECT</b>		
<b>DESCRIPTION</b>	<b>ANTICIPATED CONSTRUCTION DATE</b>	<b>PHASING YEAR(S)</b>
Construct General Aviation	2018-2020	Years 0-2
Construct Air Freighter	2018-2020	Years 0-2
Demolish Existing General Aviation and Air Freighter	2020	Year 2
Construct Replacement Terminal and Parking Structures	2020-2023	Years 2-5
Construct Aircraft Rescue and Fire Fighting Station	2023-2025	Years 5-7
Construct Ground Service Equipment Maintenance Building and Air Cargo Building	2023-2025	Years 5-7
Demolish Existing Terminal and Parking Structure	2023-2024	Years 5-6
Demolish Air Cargo Building	2023-2024	Years 5-6
Close Parking Lots A, B and E	2023	Year 5
Relocate Perimeter Service Road and Security Fence	2023	Year 5
Extend Taxiways A and C	2024-2025	Years 6-7

The proposed Agreement would regulate development at the Airport for a period of twenty (20) years and would allow construction of a new passenger terminal with fourteen (14) gates and up to a maximum of 355,000 square-feet of floor area. As stated in the Agreement itself, “The purposes of this Agreement are to: (i) give to the Authority a vested right to all City discretionary approvals needed for Authority’s Replacement Terminal Project... at the Bob Hope Airport subject to voter approval required by Burbank Municipal Code Section 2-3-112 (“Measure B”); and (ii) provide greater certainty and predictability in future relations between the parties” (see Recital A).

The major elements of the DA are outlined below (if an asterisk appears before the item, then this element is discussed in more detail below):

- i) Term of twenty (20) years. (Section 2.3 - *all references below are to the Development Agreement*)
- ii) Effective Date: 90 days after declaration of affirmative Measure B vote or at the end of litigation if favorable to the Authority and City. (Section 2.2)
- iii) Vested right to construct the Replacement Terminal Project in accordance with the Development Agreement and its Conditions of Approval on either the Adjacent Property or the Southwest Quadrant. (Section 4.2)
- iv) Existing terminal and adjacent parking structure to be demolished within one year of Replacement Terminal opening to the public. No new structures unless consistent with FAA standards (which prohibit all buildings on the site of the existing terminal and parking structure). (Section 5.1)
- v) Demolition credits towards impact fees, unless demolition of existing terminal and parking structure occurs later than one year after opening the Replacement Terminal to the public. (Section 4.5)
- vi) \*Documents City’s interpretation of permitted uses in the Airport Zone, and gives Community Development Director the authority to interpret the Airport Zone permitted uses to include other compatible uses, subject to a process that involves City Council. Provides flexibility as to allowed uses inside the Replacement Terminal. (Section 4.6).
- vii) \*Vests not only the right to build the Replacement Terminal Project, but also vests current zoning designations and General Plan land use designation for the entire Airport such that it will remain unchanged during the term. Also City agrees to interpret uses in accordance with Section 4.6, and Authority agrees that all design standards shall be applicable as required by 4.7. (Section 6.2)
- viii) \*Incorporates a design review process for the Replacement Terminal and parking structures, and Design Standards covering: parking structures, screening, sidewalks, landscape, and miscellaneous; a special process to ensure community involvement in design aspects of the Replacement Terminal (Section 4.7 and Exhibit J). This process is the proposed alternative development review method which will be approved if the Development Agreement is approved as authorized Section 10-1-905 of the Code.



- ix) Standard Conditions of Approval (Exhibit I), and Project Design Features which are voluntary project modifications to decrease environmental impacts (Exhibit K).
- x) \*Continue to support legislation that authorizes the lawful imposition of the mandatory curfew sought by the Authority under 14 CFR Part 161. (Section 5.2)
- xi) Building Official Duties: City performs unless City is not acting in accordance with Section 4.8(b) of the Agreement. After a neutral Building Official rules on any dispute, if City does not conform, then Building Official duties will be assigned to County of Los Angeles. (Section 5.2)
- xii) Conditions of Approval, as provided by the Departments, are attached as Exhibit I to the Development Agreement. These conditions would apply to the entire Airport Property except for the PD Zone 2004-169 (A-1 North/RITC).

The subject Agreement would serve a dual purpose as both a freestanding Development Agreement to regulate development within the Airport zone, and also as a tool to effectuate the two amendments to the Planned Development zones (PD Nos. 2004-169 and 2004-170). The Agreement provides the applicant with vested rights to the use and development standards specified in each Planned Development. Both PD Nos. 2004-169 and 2004-170 have individual conditions of approval (discussed in section “II. Planned Development Amendments” following this section).

There are many different aspects to the Agreement and many issues covered. In an effort to help the Planning Board focus on the substantive issues of the Agreement, this report discusses those aspects of the Agreement that are related to land use and zoning. Certain terms of the Agreement are concerned with highly technical legal matters and procedures, and are not discussed in detail in this report. These legal issues are common to most development agreements. Staff notes, however, that all aspects of the Agreement are subject to Council approval and the full text of the Agreement is attached as Exhibit G.

## **g) Staff Analysis of Some Key Land Use Issues**

### **Clarification of Airport Zone Uses**

For the purposes of administration of the Agreement, the Agreement memorializes an interpretation of the currently permitted uses in the Airport zone as provided in BMC Sections 10-1-501 and 10-1-502 (Use Table and General Use Regulations). To clarify the general use categories listed in the land use table of the Zoning Ordinance, the Agreement (Section 4.6) identifies the various uses that are interpreted to fall within the Airport Zone category. This approach generally clarifies that uses such as aircraft hangars, air cargo facilities, airport related parking, car rental facilities, and ancillary retail/commercial uses within the terminal to serve passengers are considered airport-related uses and permitted by right within the Airport zone. Under the Agreement, such uses would be permitted to go forward under the ministerial development review process, and would not be subject to further City review or discretionary action.

*Staff Analysis:* The lack of specificity in the land use table of the Zoning Ordinance may result in unintended confusion about whether certain types of businesses or uses would be permitted. The Airport is the site of many different land uses, and the general intent of the BMC is to permit as of right those uses that are related to the movement by air of passengers and cargo. The permitted uses identified in the Agreement are not intended to expand in any way the uses permitted under the Zoning Ordinance, but rather to recognize the numerous land uses that are incidental and accessory to the operation of the Airport and Replacement Terminal. Further, the interpretation of Airport zone uses provided in the Agreement closely matches the Zoning Ordinance's classification of airport related uses.

#### Limitations on City Planning of Airport Property

Just as the Authority would agree to construct a new passenger terminal building not exceeding 14 gates and/or 355,000 square-feet in floor area, the City would agree under the Agreement not to engage in modifications to the Airport Zone in general (DA Section 6.2). During the 20-year term of the Agreement, the City would agree to the following:

- Interpret Airport Zone permitted uses in a manner set forth in DA Section 4.6
- Not to impose any new development standards or design requirements in the Airport zone (or applicable to that zone)
- Only the standards and requirements in DA Section 4.7 (and DA Exhibit J) shall apply to the property and the Replacement Terminal Project
- Not amend or repeal the property's General Plan land use designations or zoning designations
- Not apply any historic resource designation or historic district designation to the property without the Authority's consent
- The Authority may request to waive DA Section 6.2 by submitting an application

*Staff Analysis:* The proposed Agreement would provide the City with numerous protections (including Joint Powers Agreement amendments) and manage the growth of airport development for 20 years. The Authority would be able to construct a new terminal for its operational and regulatory-compliance purposes, while the City will obtain other protections as well as a new terminal as a gateway into the City.

#### Development Review

Council recently approved a Zone Code Amendment to allow for an alternative method of development review within the Airport zone by means of a Development Agreement (DA). As there have not been any architectural elevations or renderings finalized for the project at this time, the DA includes provisions for a public charrette/workshop process to allow Burbank residents and the general public to provide meaningful input on the architectural design of the future terminal. Preparation of architectural drawings will take a significant amount of time, and the design process will not begin until after the effective date of the DA. The specific requirements are included in the draft DA (DA Exhibit J, Section III – Design Process). These charrette/workshop requirements include the following elements:

### Section III(D): Design Charrette or Workshop Procedures.

1. A series of workshops shall be conducted prior to completing any construction documents (architectural) for the Replacement Terminal, and prior to the Authority formally submitting any application(s) for building permit(s).
2. The Authority shall hire a professional consultant with significant experience acting as a moderator and facilitator for design workshops or design charrettes.
3. Charrette/workshop format shall be interactive for all participants, and shall utilize a microphone for public speakers as well as a professional facilitator to formally moderate the meeting.
4. A minimum of six (6) design charrettes/workshops shall be conducted, shall be held no more frequently than one workshop every thirty (30) days, shall be held no less than one workshop every 180 days, and allow for a minimum of three feedback loops. The Authority at its sole discretion may select the timing and frequency of the meeting series. Following the first workshop, the City prefers that every subsequent workshop be successive and iterative, i.e., demonstrating to attendees and the public the extent of design changes that have been made since the prior workshop(s). The iterative process should be convergent (meaning it should come closer to the desired result as the number of iterations increases). Feedback cycles should include: public meeting vision; alternative concepts for design; public meeting input; declaration of preferred design; open house review; and public meeting confirmation.

#### Limitations on Parking

The parking modifications that would occur with the proposed Agreement would result in no net expansion of public parking spaces at and around the Airport. The project plans show the changes in parking at various locations under the different scenarios for the Adjacent Property and the Southwest Quadrant. In summary, the following changes would occur in the number of passenger, employee, and rental car spaces:

- Adjacent Property: Under the Adjacent Property Full-Size Terminal Option, new Replacement Parking Structures would be constructed separately for passengers and employees. Under the Southwest Quadrant Full-Size Terminal Option, the Adjacent Property area would be occupied by new General Aviation hangars, General Aviation access roads, and unspecified Leasable Public Access areas.
- Southwest Quadrant: Under the Southwest Quadrant Full-Size Terminal Option, new Replacement Parking Structures would be constructed separately for passengers and employees. Under the Adjacent Property Full-Size Terminal Option, this area would be largely unchanged except for expansion of Taxiway C.

- A-1 North/PD No. 2004-169: RITC facility will remain as is, with a new access road provided. The Southwest Option requires a shuttle drop off/pick up modification to the road, thus necessitating a modification to this PD.
- Parking Lot A/PD No 2004-170: Under the Adjacent Property Full-Size Terminal Option, new parking lots and a new loop road (primary point of ingress/egress) would be constructed. Under the Southwest Quadrant Full-Size Terminal Option, this area would be occupied by rental car storage lots/road. The amendment to this PD is incorporating the plans for Public Utility Code Section 21661.6(e) amendments (which is attached as Exhibit D)
- Lots B and E: Lots would be demolished after construction of Replacement Terminal and Replacement Parking.
- Employee Parking: Remains capped at 600 spaces for employees.
- Net Total: Remains 6,637 public parking spaces.

The number of parking spaces on the project site (either the Adjacent Property or Southwest Quadrant) and the A-1 North property would be capped by the Agreement and related approvals. The Agreement would not specify the exact number of parking spaces on the airport or the other off-airport areas. However, the Authority would not be permitted to expand its parking facilities to any other locations not shown on the project plans. Standard parking space width is 9'0" and depth 18'0" per the BMC Section 10-1-1401. Also, no compact spaces (8'0" wide) will be allowed for public spaces.

*Staff Analysis:* The proposed Agreement would result in no net change of parking spaces at and around the Airport. The site design is expected to increase the efficiency of ingress/egress at airport parking facilities, as well as encourage the use of transit, train, and modes of travel other than individual passenger vehicles. Staff believes that it is very significant that the Agreement would not increase parking at the Airport, and the Agreement and related approvals would provide important limits on the Authority's ability to increase parking in the future. Although detailed construction plans and parking calculations have not been prepared or submitted at this time, the Agreement will be the regulating framework for airport parking in the future.

**g) Municipal Code Conformance:** BMC Section 10-1-1998 authorizes the City to enter into a development agreement to "strengthen the public planning process, encourage private participation and comprehensive planning, and reduce the economic costs of development by providing an option to the City and developers to enter into Development Agreements." A development agreement would typically be used to grant a developer vested rights to the existing zoning regulations so as to provide certainty about the laws that would be applied to a project in the future.

The Agreement is also required to implement planned development zones (including amendments). The two planned development zones adjacent to the airport (PD Nos. 2004-169 and 2004-170) have their own conditions of approval that would affect minor changes to those zones.

**h) General Plan Consistency:** BMC Section 10-1-19110(B) provides that the City Council may not approve a development agreement unless it finds that the Agreement would be consistent with the General Plan and any applicable specific plans. As discussed above, the proposed Agreement would give the Authority vested rights to the underlying Airport zoning on the properties under the Agreement. The uses and development permitted under the Agreement would be the same as that permitted under the existing zoning. The existing zoning is consistent with the General Plan land use designation; therefore, the vested rights to the zoning as provided in the Agreement are also consistent with the General Plan. No aspect of the Agreement would be inconsistent with any goal or policy of the General Plan. There are no adopted specific plans on any properties that would be subject to the Agreement

The *Burbank2035* Land Use Element (page 3-19) states:

The City and Airport Authority have committed through the development agreement to engage in a joint public outreach process for the purpose of determining a vision for the future of the Airport. It is likely that the vision will result in a land use plan for the future of the Airport and adjacent properties. If such a plan includes a new air passenger terminal, it must be approved by Burbank voters under Measure B. Burbank2035 goals and policies for the Airport land use designation will be derived from the plan that is ultimately adopted and approved by the voters if required.

The development agreement and two planned development amendments are intended to be considered as part of the Measure B vote.

## **II. AMENDMENT TO PLANNED DEVELOPMENT NO. 2004-169: A-1 NORTH PROPERTY**

**a) Scope.** The amendment needed is only for Southwest Quadrant/Property Option full size, and it pertains to a modification so that a shuttle drop-off/pick area will be created (see Exhibit E – Project Plans, page 13C, “Site Plan 2 of 2”). No change to any structures, or prior conditions of approval, is being requested. The approved plan would be modified to provide for the changes for the shuttle stop.

**b) Property Location:** This planned development zone applies to a portion of the A-1 North property located at 2555 N. Hollywood Way at the intersection with Empire Avenue (Exhibit C). Most of the property’s frontage along Hollywood Way is not part of the subject application, such as the numerous restaurants.

**c) Zoning:** In 2005, the A-1 North property’s zoning changed from M-2 General Industrial to PD No. 2004-169. In 2010, the Council approved the First Amendment to PD No. 2004-169. Surrounding properties are zoned Airport, Railroad, M-2, C-3 Commercial General Business, and Planned Development No. 89-1 (Hilton Hotel and Convention Center).

**d) General Plan Designation:** Golden State Commercial/Industrial. The zoning and General Plan land use boundaries are identical. This land use designation is consistent with the zoning. The Golden State Commercial/Industrial designation would also be consistent with the proposed modification to the access road/shuttle stop.

**e) Property Area:** The A-1 North property is an irregularly shaped rectangular parcel that has street frontages of approximately 1,110 feet along Empire Avenue and 1,150 feet along Hollywood Way. The site is approximately 31.59 acres in size.

**f) Current Development of the Site:** The A-1 North property is developed with the Regional Intermodal Transportation Center, moving pedestrian walkway (connecting the RITC to the existing terminal), and a surface parking facility that is approximately 20.46 acres in size. On the north side of the property are metal canopy structures covering approximately 530 spaces. The amendment does not affect the existing development.

**g) Detailed Description & Staff Analysis:** An amendment is required to modify the plans approved for the existing PD, for a minor modification to the road to allow for a shuttle stop if the Southwest Quadrant Option is selected. The requested PD Amendment, if approved, would not modify the conditions of approval. The prior finding made by the City Council in 2010 remains valid for the amendment to PD No. 2004-169 (Ordinance No. 3789) which is incorporated herein by this reference.

**Proposed Improvements for the Amendment to PD No. 2004-169**

<b><i>Development Options</i></b>	<b>Amendment to PD No. 2004 - 169 (A-1 North Property)</b>
<i>Adjacent Property Full-Size Terminal Option</i>	No change other than shuttle drop-off area; RITC would remain, and existing access from Hollywood Way (at Avon Street intersection) would remain
<i>Southwest Quadrant Full-Size Terminal Option</i>	RITC facility would remain; new access road (existing access from Hollywood Way); a shuttle area for drop off and pick up would be established

**h) Municipal Code Conformance:** The amendment would make a minor modification to the road to allow for a shuttle stop if the Southwest Quadrant/Property Option is selected. This modification is consistent with the existing Planned Development Zone. The prior finding made by the City Council in 2010 remains valid for the amendment to PD No. 2004-169 (see Exhibit H, Ordinance No. 3789) which is incorporated herein by this reference.

**i) General Plan Consistency:** The existing PD is consistent with the General Plan land use designation; therefore, this amendment is merely a minor change to the roadway by adding a shuttle stop, and that modification to the PD is consistent with the General Plan. No aspect of the amendment would be inconsistent with any goal or policy of the General Plan. There are no adopted specific plans on any properties that would be subject to the Agreement.

### **III. AMENDMENT TO PLANNED DEVELOPMENT NO. 2004-170: PARKING LOT A**

**a) Scope.** This amendment is requested for either development option- the Adjacent Property Full-Size Terminal Option or the Southwest Quadrant/Property Full Size Terminal Option. Presently, the PD allows for employee parking in part of Parking Lot A (part is on Airport Zoned Property) and an access way to Hollywood Way. The amendment would continue the uses to involve driving areas or parking area, but the proposal is to allow any Airport use authorized through the Public Utility Code Section 21661.6(e) plan for the Adjacent Property. The reason for this approach is because this PD is really part of the Adjacent Property. The PD did rezone M-2 property to the PD Zone; however, that area is really a flagpole portion of the Adjacent Property (which is shaped like a large flag). When Planned Development No. 2004-170 was approved, the M-2 zoned portion was looked at separately from the rest of the Airport Zoned property, in that the zoning needed to be changed and a separate Public Utility Code approval of the land use plan had to be approved. Now, either development option merges the uses of the Adjacent Property, which includes this flagpole portion of the lot.

**b) Property Location:** The subject property is located at 2729 N. Hollywood Way, on the west side of Hollywood Way at the terminus of Winona Avenue, commonly known as Parking Lot A (Exhibit C).

**c) Zoning:** In 2005, Parking Lot A's zoning changed from M-2 General Industrial to PD No. 2004-170. In 2010, the Council approved the First Amendment to PD No. 2004-169 to allow for public parking during the construction of the RITC; once construction was completed, only employee parking was allowed. Surrounding properties are zoned M-2 and Airport. It is part of the area referred to as the Adjacent Property.

**d) General Plan Designation:** Golden State Commercial/Industrial. The zoning and General Plan land use boundaries are identical. This land use designation is consistent with the zoning. The Golden State Commercial/Industrial designation would also be consistent with the proposed use as a primary access road (ingress/egress to the terminal) and parking lots.

**e) Property Area:** The lot is approximately 129 ft. wide and 1,270 ft. deep (approximately 3.76 acres in area). This portion provides access to the interior portions of the Adjacent Property.

**f) Current Development of the Site:** The area is currently developed for long-term parking only (paving and parking lot striping). No structures were ever approved.

**g) Detailed Description & Staff Analysis:** The requested PD Amendment, if approved, would eliminate all of the specific conditions of approval, and instead apply all of the conditions attached as Exhibit , which affect the entire replacement terminal project. The flagpole portion of the Adjacent Property would no longer be treated as separate from the rest of the development on the Adjacent Property. The DA states, "The plan approved in the Public Utility Code Section 21661.6(e) for the entire area of the Adjacent Property shall take priority over the previous plan approved for the PD."

All uses and conditions shall be consistent with the Airport Replacement Project Option. Until Authority commits to an Option, the existing PD shall remain in effect unchanged.”

**Proposed Improvements for the Amendment to PD No. 2004-170**

<b><i>Development Options</i></b>	<b>Amendment to PD No. 2004 - 170 (Parking Lot A)</b>
<i>Adjacent Property Full-Size Terminal Option</i>	Airport employee parking lots would be relocated; New loop road for primary ingress/egress to terminal; New surface parking lots would be constructed for ground access vehicle staging (e.g., shuttles, taxis, ride services, etc., via controlled access into the lots)
<i>Southwest Quadrant Full-Size Terminal Option</i>	Airport employee parking lots would be relocated; New surface parking lots would be constructed for rental car storage area

**h) Municipal Code Conformance:** Authority owned and operated parking is an airport use and is permitted by PD No. 2004-170. The amendment would permit only an airport parking lot (only for airport-related shuttles, taxis, ride services, etc., via controlled access into the lots) and access loop road for the Adjacent Property Full-Size Terminal Option, and would explicitly prohibit any other type of airport use or any other structures. The finding made by the City Council in 2004 remain valid for the amendment to PD No. 2004-170 (as stated in Ordinance No. 3661, see Exhibit I) and is incorporated herein by this reference.

The use and development of this area would be subject to the amended land use plan (under PUC Section 21661.6) also under consideration by the Council.

**i) General Plan Consistency:** The PD Amendment would give the Authority vested rights to the development and uses (described in the table above) under the Agreement. The uses and development permitted under the PD Amendment and Agreement would be the same as that permitted under the existing PD, except as specifically prohibited by the Agreement. The existing PD is consistent with the General Plan land use designation; therefore, the vested rights to the zoning as provided in the Agreement are also consistent with the General Plan. No aspect of the Agreement would be inconsistent with any goal or policy of the General Plan. There are no adopted specific plans on any properties that would be subject to the Agreement.



## **ENVIRONMENTAL REVIEW**

The Airport Authority prepared and circulated a Draft EIR in accordance with the California Environmental Quality Act (CEQA) and State *CEQA Guidelines*. The 45-day public review/comment period began on April 28, 2016, and ended on June 13, 2016. The FEIR was released on June 27, 2016, and provides an Errata section in Volume 6 that corrects and restates some of the Draft, as well as providing Responses to the Comments. The Planning Board has received the FEIR on CD. The FEIR is also available from the City's website, the City Clerk's Office, and the Airport Authority's website.

The FEIR provides an analysis for all three development Options: 1) Adjacent Property Full-Size Terminal Option; 2) Southwest Quadrant Full-Size Terminal Option; and 3) Southwest Quadrant Same-Size Terminal Option. The FEIR's Executive Summary (see Exhibit J) provides a table to show the comparative impacts between these three project options. However, the scope of this application now before the City excludes the Southwest Quadrant Same-Size Terminal Option, since the Authority believes that no discretionary approvals are needed for the Southwest Same-Size Terminal Option.

### **CEQA Findings**

The City of Burbank is a Responsible Agency for this project. This process is different than most of the City's EIR's. A responsible agency considers the FEIR prior to reaching a decision on the project, and is required to make the same findings that a lead agency makes, but it does not certify that the document was completed in compliance with CEQA. Council will be required to consider the EIR and to adopt findings as part of its decision making process. A copy of the proposed findings required by CEQA Guidelines Section 15091 is attached to this report as Exhibit K. In addition, because there is a significant effect on the environment which is found under the Section 15091 findings to be unavoidable (Air Quality), the Council will be required to adopt a statement of overriding considerations, as required by CEQA Guideline Section 15093. The findings must be supported by substantial evidence in the record, and the evidence and analysis is provided in the FEIR. The Planning Board is acting as a recommending body and as such is not making a final decision on the project. Therefore, the Board should ask questions and provide comments for Council's consideration, but no special FEIR findings need to be made by the Board.

### **Brief Overview of Environmental Impacts**

For clarity, the following section briefly summarizes the Adjacent Property Full-Size Terminal Option (the Authority's preferred option), with brief discussion of the two Southwest Quadrant options only for comparison purposes. The two Southwest Quadrant options are discussed in detail in the EIR, but are not the Airport Authority's preferred choices. The FEIR Executive Summary (Exhibit J) provides a detailed table of impacts organized by development option.

The table below summarizes the general categories of impacts for the Adjacent Property Full-Size Terminal Option. A brief discussion of selected impacts follows.

**Summary of Environmental Impacts – Adjacent Property Full-Size Terminal Option**

<b>Level of Environmental Impact</b>	<b>Environmental Impact Categories</b>
Significant & Unavoidable	Air Quality
Less Than Significant with Mitigation	Traffic & Transportation, Biological Resources, Cultural Resources, Hazards & Hazardous Materials
Less Than Significant	Aesthetics, Geology & Soils, Greenhouse Gas Emissions, Hydrology & Water Quality, Land Use & Planning, Population & Housing, Utilities & Service Systems, Recreation
No Impact	Agriculture & Forestry Resources, Mineral Resources, Noise, Public Services

**Discussion of the Impacts**

Air Quality

The FEIR identified only certain air quality impacts as being significant and unavoidable, meaning that no mitigation measure is feasible that would bring the impact to a level of less than significant (FEIR, Vol. 1, ES-5-6), although mitigation measures were identified to reduce some of the impacts (FEIR, Vol.1, 5-1). Impacts that are significant and unavoidable as to the Adjacent Property, Southwest Option, and No Project are “violation of operational air quality standards” and “increase in non-attainment criteria pollutants” (FEIR, Vol. 1, ES-5). Cumulative Air Quality Impacts are significant and unavoidable as to the Southwest Option and No Project, whereas impacts are less than significant for Adjacent Property Option (FEIR, Vol. 1, ES-6). The Southwest Option causes significant and unavoidable impacts for generation of toxic contaminants, whereas the Adjacent Property and No Project are less than significant (FEIR, Vol. 1, ES-5). There are two impacts listed that are significant for No Project, but less than significant for the Adjacent Property and Southwest Option (FEIR, Vol. 1, ES-5). The No Project causes air quality significant impacts in part because the growth projections are the same for all alternatives studied including the “no project alternative” (for more details please see FEIR, Vol. 1, Chapter 3.4.)

Noise

The impacts of Noise are analyzed in Chapter 3.13 of the FEIR. According to the FEIR, both the Adjacent Property and Southwest Options may increase the CNEL 65 contour, which increase would encompass 311 homes (FEIR, Vol. 1, 3.13-18 and 3.13-26). However, comparing the possible increase to the noise impact area for the 2023 and 2025 no project scenarios to these project alternatives, the same growth is projected to occur whether or not the project either the Adjacent Property or Southwest Option is built. (Id.) Plus all 311 homes would be eligible for acoustical treatment paid for by the Authority, and 75% have already been treated (Id.). Overall, the Adjacent Property

Option has no significant environmental impacts as to noise, and Southwest Option has one that is less than significant with mitigation (FEIR, Vol. 1, E-9). As is typical for other development projects, non-airfield related construction will comport with the Burbank Municipal Code §9-1-1-105.8. The code requires that construction take place between the hours of 7:00 a.m. to 7:00 p.m. Monday – Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. The code also allows the Community Development Director to grant exceptions to these hours. This code provision will be restated in one of the noise Conditions of Approval to the Development Agreement.

### Traffic

Traffic is analyzed in Chapter 3.17 of the FEIR. All traffic related impacts under either option are less than significant with appropriate mitigation measures (FEIR, Vol. 1, E-10). Mitigation measures range from adding new turn lanes, to signaling an intersection. Each Option requires a Construction Management Plan that will include street closure information, a detour plan, haul routes and staging plans (FEIR, Vol. 1, 3.17- 20 and 3.17-29). Besides the required mitigation measures, another traffic Condition of Approval to the Development Agreement will require a traffic plan that addresses internal circulation at the Airport during construction and upon completion of the planned improvements.

In the City's comment letter to the Draft EIR, the City suggested a dedicated transit lane for the loop road in and out of the new terminal. The City suggested this measure to ensure transit connectivity and to promote transit ridership. The Authority responded that the site plan for both Options provides a two-lane bus-only bypass for pick-up and drop-off in front of the terminal primarily for Airport shuttles (FEIR, Vol. 6, N-168, response 2-79). This lane could be used by other transit operators. To promote the use of public transit and to ensure connectivity, staff recommends that a condition of approval to the PUC approval and to the DA Conditions of Approval (see Condition No. 41) will include that this bus-only bypass lane shall be available to all public transit operators, as well as providing a dedicated curb (FEIR, Vol. 6, pg. N-168-169, response 2-79).

### FEIR Conclusion

Besides the air quality impacts referenced above, all other environmental impacts caused by either the Adjacent Property Option or Southwest Option are non-existent, less than significant, or less than significant with implementation of mitigation measures (see FEIR, Vol. 1, ES-5-6). Each of the Project Options also have design features that lessen environmental impacts (see FEIR, Vol. 6, Appendix Q, for a list of such features).

### **Mitigation Measures**

The summary of impacts, mitigation measures, and timing of implementation are contained in the Mitigation Monitoring & Reporting Program (MMRP), included as Appendix P in the Final EIR (and also attached to this staff report as Exhibit L). Appendix Q in the Final EIR provides the comprehensive list of all Project Design Features (i.e., not mitigation measures) included in the project that are voluntary project modifications to decrease impacts. The Project Design Features are also attached to the DA as conditions of approval.

## **PUBLIC INPUT**

As to the entire project, staff has not received any written correspondence as of the time of preparation of this report. Staff received five telephone calls inquiring about general information for the project. Any additional comments received will be forwarded to the Board at the public hearing.

## **CONCLUSION**

The proposed 14-Gate Replacement Terminal Project would construct a passenger facility up to 355,000 square-feet in area, and construct a variety of new facilities, structures, and site improvements to support the new terminal as well as improve overall functioning and efficiency of the airfield. The project would be a modern, easily-accessible passenger terminal and would ensure the longevity and operational safety of the airport within Burbank.

The Planned Development amendments and Development Agreement are consistent with the General Plan of the City of Burbank and the provisions of Title 10 of the Burbank Municipal Code, and are compatible with the objectives, policies, general land uses and programs specified therein.

Staff believes all findings can be made and that Planning Board should recommend approval of the project to the City Council.

## **PLANNING BOARD ACTION**

The action of the Board may be to recommend approval, approval with modifications, or denial of the Development Agreement (including Development Review) and/or Planned Development Amendments. If the Board desires, the following motion may be adopted:

“A Motion Recommending that City Council take the following actions:

- A) That Council consider as a Responsible Agency under the California Environmental Quality Act (CEQA) the environmental effects of the project as described in the Final Environmental Impact Report (FEIR), that Council makes the findings required by CEQA; and that Council approves the Mitigation Monitoring & Reporting Program (MMRP);
- B) Approval of a Development Agreement for the Airport Replacement Terminal Project;
- C) Approval of an Amendment to Planned Development (PD) No. 2004-169 (Lot A-1 North/RITC property);
- D) Approval of an Amendment to Planned Development (PD) No. 2004-170 (Lot A property).

If the Board determines that the project or any part of the project should be recommended for denial, the appropriate motion should be adopted.

<b>List of Exhibits</b>	
<b>Exhibit</b>	<b>Title</b>
<b>A</b>	Zoning & Fair Political Practices Act Compliance Map, Aerial Photo
<b>B</b>	Project Background Information
<b>C</b>	Development Site Map
<b>D</b>	Application Forms
<b>E</b>	Project Plans (separate enclosure)
<b>F</b>	Preliminary Analysis required for Council consideration of Public Utility Code Section 21661.1(e) approvals
<b>G</b>	Draft Development Agreement (with Conditions of Approval)
<b>H</b>	Planned Development No. 2004-169 (Ordinance No. 3789)
<b>I</b>	Planned Development No. 2004-170 (Ordinance No. 3661)
<b>J</b>	Final EIR Executive Summary
<b>K</b>	CEQA Findings
<b>L</b>	Mitigation Monitoring & Reporting Program